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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,568	07/02/2001	James E. Dickens	010281	9702

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,568

Applicant(s)

DICKENS, JAMES E.

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

This is the first office action for U.S. Application 09/897,568 for a Cable Feed Bushing and Method of Installing a Cable Through a Wall or Other Structure filed by James E. Dickens on July 7, 2001.

Specification

The disclosure is objected to because of the following informalities: Page 4, line 16 reads, "In accordance with one form of the present invention, there is a provided a." The sentence is incomplete and therefore incomprehensible. Page 4, line 23 reads, "in position while adhesive". The word - - the - - should be inserted between "while" and "adhesive". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, Applicant claims a head portion the same color as the exterior surface of the wall, but Applicant has not claimed the wall. In claim 14, Applicant claims a wall covering on the exterior surface of the wall, but Applicant has not claimed the wall.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,285,551 to Tschanz. Tschanz discloses a cable support apparatus with a body portion (20) a head portion (28). There is a passageway extending through the head and body portions and a spiral thread on an exterior surface of the body portion. The head portion has an installation formation comprising at least two diametrically opposed holes (42) extending through the exterior surface.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,983,598 to Rosan, Sr. et al. Rosan, Sr. et al. discloses a cable support apparatus with a body portion (14) and a head portion (16). There is a passageway extending through the body and head portion, there is a spiral thread on an exterior surface of the body portion, and the head portion is provided with installation formations (on the exterior surface of the head).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3632

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of U.S. Patent 3,073,206 to Rudolph. Rosan, Sr. et al. does not disclose a pair of holes on the head of the cable support and a installation tool with engagement projections protruding therefrom corresponding to the holes, whereby a rotational force is applied with the tool on the bushing to cause the bushing to be screwed into a hole in a wall. Rudolph discloses a screw (10) with a body portion that has an exterior surface with threads and a head portion (16). The head portion has installation formations in the form of a pair of diametrically opposed holes (18). The screw can be screwed into a wall by using an installation tool (20) with engagement protrusions (22) and providing a rotational force on the screw, thereby allowing the screw to be rotated in either direction. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a head portion on the cable support apparatus taught by Rosan, Sr. et al. such as the head portion taught by Rudolph for the purpose of providing a simplified means to secure the apparatus into a structure through rotation of an appropriate installation tool.

Claims 12-14 are all related to providing paint or wall paper to the head of the bushing and exterior surface for aesthetic purposes. Although Rosan, Sr. et al. in view of Rudolph does not disclose those features, they are a matter of design preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Art Unit: 3632

Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph, in further view of Tschanz. Rosan, Sr. in view of Rudolph does not disclose a pre-existing hole in a structure for receiving the cable support. Tschanz discloses a structure (12) with a pre-existing aperture (14) for receiving the cable support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a pre-existing hole in a structure, as taught by Tschanz, for facilitating the insertion of the cable support taught by Rosan, Sr. in view of Rudolph.

Claims 16-18, and 20-22 are all related to providing paint or wall paper to the head of the bushing and exterior surface for aesthetic purposes. Although Rosan, Sr. et al. in view of Rudolph, in further view of Tschanz, does not disclose those features, they are a matter of design preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph, in further view of Applicant's disclosure. Rosan, Sr. does not disclose a cable support apparatus with a conical shaped body portion. However, page 7, lines 21-23 of Applicant's specification indicate that the body portion can also be cylindrical shaped (as taught by Rosan Sr.) and the shape of the body seems to merely be a matter of engineering preference. The thickness of the head portion is also a matter of engineering preference. Rosan, Sr. does not specifically disclose a head portion and body portion made of a polymeric material. However, page

Art Unit: 3632

11, line 22 of Applicant's specification indicates that the bushing could also be made of metal and the material used seems be a matter of engineering preference, as well.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,076,668 to Famely

U.S. Patent 6,290,445 B1 to Duran et al.

U.S. Patent 173,356 to Sloan

U.S. Patent 6,224,309 B1 to Yamamoto

U.S. Patent 6,153,035 to Van Laeken

U.S. Patent 5,366,330 to Cosenza

U.S. Patent 3,174, 383 to Heil

U.S. Patent 5,213,290 to Moretti

U.S. Patent 5,072,072 to Bawa et al.

U.S. Patent 6,300,569 B1 to Mullen, Jr.

U.S. Patent 4,842,548 to Bolante

The above patents disclose various types of cable supports and screw devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this

Application/Control Number: 09/897,568

Page 7

Art Unit: 3632

application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven M. Marsh

May 30, 2002



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER